



Sony's rights and wrongs

As Sony's increasingly desperate measures to prevent CD copying stray into malicious software territory, Paul Nesbitt ponders the firm's hostile attitude towards its own consumers

One of the greatest ironies of the Sony BMG audio CD digital rights technology fiasco (see *Newsfile*, page 270), which compromised the security of hundreds of thousands of PCs, is the revelation that all you need to do to override it is stick a small piece of opaque tape to the edge of the copy-protected CD.

Sony BMG's highly aggressive, and possibly illegal, strategy of covertly downloading a rootkit to a customer's PC in an attempt to stop them copying their own music has been a disaster. This is the same technique that the most pernicious malware writers are using to take over people's computers. To make matters worse, Sony BMG's rootkit has created vulnerabilities that have left PCs open to attack from malware.

The company faces lawsuits, online petitions and consumer campaigns urging us to boycott its products. Its recording artists, who have seen their records slide down the charts after they were discovered to contain Sony's XCP copy protection software, are understandably furious too.

The initial response from Sony BMG president Thomas Hesse didn't win the company many friends. He claimed the XCP rootkit component "is not malicious and does not compromise security". Then in an interview on US public radio he said: "Most people don't even know what a rootkit is, so why should they care about it?" This is astonishing.

According to Gartner research, the record label should accept the inevitable. "After more than five years of trying, the recording industry has not yet demonstrated a workable DRM [Digital Rights Management] scheme for music CDs. Gartner believes that it will never achieve this goal as long as CDs must be playable by standalone CD players.

The industry may now refocus its attention on seeking legislation requiring the PC industry to include DRM technology in its products.

"Gartner believes the industry would be better served by efforts to develop solutions that use DRM as an accounting/tracking tool, rather than as a lock. This approach would enable them to move to play-based business models not tied to hardware,



and to track their digital assets without complicating users' ability to move legitimately acquired content to whatever devices they choose."

SOUNDING OFF

Sony BMG's customer-hostile approach has already cost its consumer electronics division the music player business. Apple's iPod has become the Walkman for the digital generation. In part this is because Sony has neglected the MP3 format for so long, due to its fear that people will buy albums and copy their music to a number of devices. This in

turn could propagate some kind of piracy. This lack of flexibility has cost it dear, though it has now started to support the MP3 format.

If you doubted the mean-spirited mindset of the Sony BMG management, read the 3,000-word end user licence agreement (EULA) the company packages with its audio CDs. The Electronic Freedom Foundation (www.eff.org/deeplinks/archives/004145.php) has posted a dissection of virulent terms and conditions for any digital copies you might make of the music on your PC.

The EFF says, "if your house gets burgled, you have to delete all your music from your laptop when you get home". According to the EULA, this is because your rights to any copies terminate as soon as you no longer possess the original CD. What's more, "if you move out of the country, you have to delete all your music. The EULA specifically forbids 'export' outside the country where you reside." And it gets worse.

The EFF also reports that "Sony-BMG can install and use backdoors in the copy protection software or media player to 'enforce their rights' against you, at any time, without notice. And Sony-BMG disclaims any liability if this 'self help' crashes your computer, exposes you to security risks, or any other harm." So that excuses the XCP fiasco, then.

You can ditch your plans for using music from your Sony CDs to make a background soundtrack for digital photo slideshows, home movies or music sample creations. "The EULA forbids changing, altering or making derivative works from the music on your computer."

Perhaps the most jaw-droppingly outrageous item is the one that demands you delete all the music on your computer if you file for bankruptcy.

Office politics

Paul Nesbitt asks if Microsoft's decision to open its Office formats is an altruistic act or an attempt to stifle competition

Even when Microsoft makes a gesture of enlightened altruism, such as its recent move to make the default file formats of Office open, there seems to be a catch. After years of fighting pressure from governments to open up critical technologies such as APIs and file formats, which might give competitors a more level playing field to compete and innovate, the software giant appears to have seen the light at last.

At the very least, the move should ensure that non-Microsoft applications can read and import Word, Excel and PowerPoint documents with guaranteed 100 per cent accuracy. This will open the field to competing applications, such as the free OpenOffice suite. No longer protected by a proprietary file format, Office could even lose out

to open-source alternatives, just as Firefox is taking market share from Internet Explorer. But suspicion of Microsoft runs deep. This is the company that hobbled Java through its notorious 'embrace and extend' approach to standards, leaving Sun's cross-platform software tied to Windows-only extensions.

Many industry observers are wondering why Microsoft doesn't add support in Office for the Open Document Format (ODF), developed and promoted by IBM, Adobe, Novell, Intel, Google, Sun and Apple. ODF is a non-proprietary format that its supporters say is entirely open and beholden to no single company. Governments and corporate customers around the world are backing ODF, so if Microsoft is sincere about making Office open, why doesn't it simply add ODF support to Office? After

all, Microsoft has promised the ability to save Office 12 files in Adobe's PDF format.

OpenOffice.org's community manager Louis Suarez-Potts says Microsoft's move is designed to "counter moves towards ODF and open source by governments around the world". According to Suarez-Potts, even though Microsoft has said it wants to make Office XML an ISO standard, it could retain proprietary control over the standard and retain certain limitations over how it is used.

So while Microsoft's move will make it easier to interoperate with Office, the jury is out as to whether competitors will be allowed to create Office-compatible applications that can use Open XML technology freely, without worrying that Microsoft may stop them in the future. **EN**